IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 1687 OF 2006

ALONGWITH

WRIT PETITION NO. 1688 OF 2006

Sanjay B. Abhyankar & anr. ... Petitioner

versus

Santosh Mhaske & ors .... Respondents.

Shri S.G.Aney Sr.Advocate with A.D.Patwardhan for the petitioner.
Shri P.M. Hudder for Respdts 1,3 to 6 in W.P. 1687.06.
Shri Kiran Bapat for Respondent no.2.
Shri A.S.Rao for Resspdts 1 and 3 in W.P.1688/06.

CORAM; V.G.PALSHIKAR &
V.R.KINGAONKAR, JJ.

DTAED: 14TH MARCH,2006.

P.C.

1. By both these petitions the action of the Industrial Court, Pune is challenged on the ground that he committed jurisdictional error in not entertaining the application of the petitioners under section 28(i)(A) of the Trade Union Act 1926.

2. This application has been filed by the present petitioners in Application ICTU Nos 1 and 2 of 2004 which

was then pending before Industrial Court, Pune. After orders of this court in earlier writ petitions, elections have been held and the applicants seek to impugn those elections and have therefore moved the Industrial court by way of an application in the old proceedings. Therefore it is observed by the Industrial Court that the application as made is not tenable.

3. In the circumstances, the matters can be disposed of by directing the petitioner to apply afresh under section 28(i)(A) of the Trade Union Act 1926, placing dispute regarding elections of the office bearers which would include members of the managing committee also. If such dispute is raised the Industrial Court shall decide it in accordance with the law as early as possible. Petition accordingly disposed of.

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